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**Special Committee on the Charter of the
United Nations and on the Strengthening of the Role
of the Organization**
20–28 February 2018

Draft report

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II. Maintenance of international peace and security**B. Introduction and implementation of sanctions imposed by the
United Nations**

1. Reference was made to the question of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution 64/115, annex) during the general exchange of views held at the 287th and 288th meetings of the Special Committee, on 20 February 2018, and during the 1st meeting of the Working Group of the Whole, on 21 February.
2. During the general exchange of views and the 1st meeting of the Working Group of the Whole, several delegations reiterated their concerns regarding sanctions imposed by the Security Council. It was emphasized that sanctions should not be adopted indiscriminately or be used as blunt instruments designed to punish the population of the target country and that they could not be used as a response to all violations of international obligations.
3. Many delegations emphasized that sanctions should be introduced and applied in conformity with the provisions of the Charter and international law. It was reiterated that they should be imposed only as a measure of last resort when there existed a threat to international peace and security, a breach of the peace or an act of aggression, in accordance with the Charter. It was asserted that the objectives of sanctions regimes should be clearly defined, based on tenable legal grounds and imposed with a specific time frame, and that sanctions should be lifted promptly when there were no longer grounds for imposing them. Delegations reaffirmed their concerns about the imposition of unilateral sanctions in violation of international law. The view was expressed that, in practice, such sanctions were often imposed as a result of the extraterritorial application of national laws and regulations and that they infringed on the rights of affected States, in addition to the individual rights of affected persons.



4. Several delegations reaffirmed that sanctions, applied in accordance with the Charter, were an important instrument for the maintenance and restoration of international peace and security. In addition, it was highlighted that, when applied in a targeted fashion, sanctions could be efficient in attaining their objectives, while minimizing their adverse impact and unintended consequences for the civilian population and third parties.

5. A number of delegations welcomed the institution of regular briefings by the Secretariat on the document entitled "Introduction and implementation of sanctions imposed by the United Nations", annexed to General Assembly resolution 64/115, which had been adopted on the basis of the work of the Special Committee. It was noted that, in recent years, sanctions committees had organized open briefings to hear concerns and suggestions from Member States, which had increased transparency. A view was expressed that the Special Committee could be used as a forum for informed and evidence-based discussions with a view to further enhancing the efficacy and transparency of the Organization's sanctions regimes.

Briefing

6. At its 1st meeting, the Working Group of the Whole was briefed by a representative of the Department of Political Affairs on the document entitled "Introduction and implementation of sanctions imposed by the United Nations" (General Assembly resolution 64/115, annex), as requested by the Assembly in paragraph 4 of its resolution 72/118. The representative gave information on the elements of the document, responded to questions and provided general information about United Nations sanctions regimes, the role of the sanctions committees and expert panels in the implementation of sanctions, the monitoring and review mechanisms and recent developments in the implementation of sanctions regimes. The representative indicated that the information presented was available on the website of the subsidiary bodies of the Security Council.¹

7. Delegations generally expressed their appreciation for the briefing. Some delegations welcomed the efforts made to enhance the fairness and transparency of the procedures relating to sanctions and to strengthen the knowledge base among delegations, and encouraged further interaction among sanctions committees, regional organizations and Member States for that purpose.

8. Some delegations encouraged the Secretariat to further improve communication and knowledge-sharing regarding sanctions with delegations and to increase the opportunities for capacity-building. The view was expressed that the Secretariat could study the impact of unilateral sanctions and whether they had been adopted in compliance with international law. The Secretariat was also encouraged to enhance cooperation with the private sector in the implementation of sanctions.

9. The view was expressed that a comprehensive thematic review of United Nations sanctions regimes was needed. The representative of the Department of Political Affairs stated that such an initiative would depend on Member States and their engagement with stakeholders with a view to launching such a review.

10. It was suggested that an additional expert be added to each panel of experts to report on the unintended consequences of sanctions. The representative of the Department of Political Affairs indicated that the Security Council had already mandated experts to report on unintended consequences and, accordingly, changes to the composition of each panel of experts would be subject to the mandate established and measures imposed by the Security Council.

¹ www.un.org/sc/suborg/.

11. With respect to the Ombudsperson of the Security Council Committee established pursuant to resolution 1267 (1999), the Secretariat was asked to provide information on the relationship between the Ombudsperson and the Focal Point for Delisting. The representative of the Department of Political Affairs indicated that the relationship between the Ombudsperson and the Focal Point would vary according to their mandates. The Secretary-General was urged to finalize the process of recruiting a new Ombudsperson, given that the post had been vacant for several months.
